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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.		
10/016,913	12/14/2001	Tetsuyuki Kurata	2418.44US01	9612		
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MINNEAPOLIS, MN 55402-2100			2877			
				DATE MAILED: 06/06/2005		

Please find below and/or attached an Office communication concerning this application or proceeding.

					No				
Office Action Summary		Application	on No.	Applicant(s)	T)				
		10/016,91	3	KURATA ET AL.					
		Examiner		Art Unit					
		Sang Ngu		2877					
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply									
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).									
Status									
1) 又	Responsive to communication(s) filed on 16 N	March 2005.							
·	This action is FINAL . 2b) ☐ This action is non-final.								
3)	—								
Disposit	ion of Claims								
5)⊠ 6)⊠ 7)⊠	4) ⊠ Claim(s) 1-29 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) ⊠ Claim(s) 26-29 is/are allowed. 6) ⊠ Claim(s) 1,2,4,8-11,13-18,20-23 and 25 is/are rejected. 7) ⊠ Claim(s) 3, 5-7, 12, 19, and 24 is/are objected to. 8) □ Claim(s) are subject to restriction and/or election requirement.								
Applicat	ion Papers			•					
 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. 									
Priority (under 35 U.S.C. § 119								
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received.									
2) Notice 3) Information	ot(s) See of References Cited (PTO-892) See of Draftsperson's Patent Drawing Review (PTO-948) See of Draftsperson's Patent Drawing Review (PTO-948) See of Draftsperson's Patent (s) (PTO-1449 or PTO/SB/08) See No(s)/Mail Date 4/1/05)	4) Interview Summary Paper No(s)/Mail Da 5) Notice of Informal P 6) Other:	ate)-152)				

DETAILED ACTION

Response to Amendment

Applicant's response to remarks filed on 03/16/05 has been entered. It is noted that the application contains claims 1-29 by the response to the remarks filed on 03/14/05.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 04/01/05 has been entered. The submission is in compliance with the provisions of 37 CFR 1.97.

Accordingly, the information disclosure statement is being considered by the examiner.

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-2 and 14-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Choi (U.S. Patent No. 6,538,754) in view of Reytblatt (U.S. Patent No. 4,286,843).

Regarding claims 1 and 14-16; Choi teaches an apparatus and method for detecting a gap of a liquid crystal panel, comprising:

- A light emission apparatus, considered to be a light source (102 of figure 1), input polarizer (106 of figure 1), and a beam splitter (108 of figure 1), for causing a polarized light to fall almost parallel to the normal of the liquid crystal panel (114 of figure 1), wherein the polarizer (106 of figure 1) for rotating the direction of polarization of the incident light to respect to the liquid-crystal panel (114 of figure 1);
- An analyzer considered to be an output polarizer (110 of figure 1) for receiving the reflected light from the liquid crystal panel (114 of figure 1), wherein the analyzer (110 of figure 1) being arranged so that the transmission axis thereof is almost perpendicular to the polarization direction of the incident light (figures 1-2 and col.2 lines 5-7); and
- A received light quantity detection device considered to be a silicon photodiode
 (112 of figure 1) for receiving the light the passed the analyzer (110 of figure 1) and
 detecting the gap of the liquid crystal panel
- A processing apparatus considered to inherent using first formula and second formula (col.2 lines 1-45) for analyzing detected the thickness of cell gap of the liquid crystal panel (114 of figure 1) from a received light quantity detection device based on a Twisted angle (φ of figure 2B) and Beta angle (β of figure 2B) at which the output signal of the received light quantity detection device (112 of figure 1) when the direction of incidence of incident light is rotated relative the transmission axis direction of the analyzer (110 of figure 1). See figures 1-3.

Choi discloses all of features of claimed invention except for the processing apparatus for detecting the gap of the liquid crystal panel based on an extinction angle at which the output signal of the received light quantity detection device reaches minimum when the direction of incidence of incident light is rotated relative the transmission axis direction of the analyzer. However, Reytblatt teaches that it is known in the art to provide a method and a plane-transmission polariscope (30 of figure 1 or 110 of figure 16) comprising a light source (32 of figure 16), polarizer (34 of figure 16), a sample (120 of figure 16), analyzer (44 of figure 16), and a camera (52 of figure 16), wherein a plane-transmission (30 of figure 1 or 110 of figure 16) for detecting the gap of the sample based on an extinction angle at which the output signal of the received light quantity detection device considered to the camera (52 of figure 16) reaches minimum or zero when the direction of incidence of incident light is rotated relative the transmission axis direction of the analyzer (44 of figure 16 and col.6 lines 29-66 and col.10 lines 35-59).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify apparatus and method for detecting a gap of a liquid crystal panel of Choi with the processing apparatus for detecting the gap of the liquid crystal panel based on an extinction angle at which the output signal of the received light quantity detection device reaches minimum when the direction of incidence of incident light is rotated relative the transmission axis direction of the analyzer as taught by Reytblatt for the purpose of reducing noise signal and detecting accuracy intensity light of image signals.

Regarding claim 2; Choi teaches about the direction of the polarization of the incident light of the polarizer (106 of figure 1) and the liquid crystal panel with rotate table (104 of figure 1) are rotated relative to each other by rotating the liquid crystal panel (114 of figure 1) about the axis almost parallel to the direction of incident of the incident light as a center (figure 2B).

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Regarding claim 17; Choi teaches discloses all of features of claimed invention except for the received light quality detection use a surface-type imaging element.

However, Reytblatt teaches that it is known in the art to provide the received light quality detection use a surface-type imaging element considered to be image camera (52 of figure 16). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify apparatus and method for detecting a gap of a liquid crystal panel of Choi with the received light quality detection use a surface-type imaging element as taught by Reytblatt for the purpose of forming or detecting accuracy images of sample on the camera.

Regarding claim 18; Choi teaches about the light emission apparatus 102 of figure 1) and the received light quantity detection device (112 of figure 1) has a wavelength selection function considered to be inherent in formula (col.2 lines 15-35).

Claims 4, 8-11 and 19-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Choi (U.S. Patent No. 6,538,754) in view of Ishiwata (U.S. Patent No. 6,369,375).

Regarding claims 4 and 19-20; Choi teaches an apparatus and method for detecting a gap of a liquid crystal panel, comprising:

- A light emission apparatus, considered to be a light source (102 of figure 1), input polarizer (106 of figure 1), and a beam splitter (108 of figure 1), for causing a polarized light to fall almost parallel to the normal of the liquid crystal panel (114 of figure 1), wherein the polarizer (106 of figure 1) for rotating the direction of polarization of the incident light to respect to the liquid-crystal panel (114 of figure 1);
- An analyzer considered to be an output polarizer (110 of figure 1) for receiving the reflected light from the liquid crystal panel (114 of figure 1), wherein the analyzer (110 of figure 1) being arranged so that the transmission axis thereof is almost perpendicular to the polarization direction of the incident light (figures 1-2 and col.2 lines 5-7); and
- A received light quantity detection device considered to be a silicon photodiode
 (112 of figure 1) for receiving the light the passed the analyzer (110 of figure 1) and
 detecting the gap of the liquid crystal panel based on relationship between beta angle
 (β) and thickness of the cell gap (114 of figure 1). See figures 1-3.

Choi discloses all of features of claimed invention except for a process apparatus is coupled to a first received light detection device and a second received light detection device, wherein the process apparatus for detecting the gap of the liquid crystal panel based on the first output signal from the first received light detection device in a state in which the analyzer is disposed so that the transmission axis of the analyzer is almost parallel to the polarization direction of the incident light and a second output signal from the second received light detection device in a state which the analyzer is disposed so that the transmission axis of the analyzer is almost perpendicular to the polarization

direction of the incident light. However, Ishiwata teaches that it is known in the art to provide a method and detection apparatus comprises a processing computer (6 of figure 13) coupled to a first and second camera (5' of figure 13), wherein the process apparatus (6 of figure 13) for detecting the gap of the liquid crystal panel (15 of figure 13) based on the first output signal from the first received light detection device (5' of figure 13) in a state in which the analyzer (16 of figure 1) is disposed so that the transmission axis of the analyzer is almost parallel to the polarization direction of the incident light (figure 13) and a second output signal from the second received light detection device (5' of figure 1) in a state which the analyzer (16 of figure 1) is disposed so that the transmission axis of the analyzer (16 of figure 1) is almost perpendicular to the polarization direction of the incident light. See figures 1, 7, and 13-14.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify apparatus and method for detecting a gap of a liquid crystal panel of Choi with a process apparatus is coupled to a first received light detection device and a second received light detection device, wherein the process apparatus for detecting the gap of the liquid crystal panel based on the first output signal from the first received light detection device in a state in which the analyzer is disposed so that the transmission axis of the analyzer is almost parallel to the polarization direction of the incident light and a second output signal from the second received light detection device in a state which the analyzer is disposed so that the transmission axis of the analyzer is almost perpendicular to the polarization direction of the incident light as taught by Ishiwata for the purpose of detecting accuracy of physical

amounts such distortion, edge of the step, and phase distribution of the observation object.

Regarding claims 8 and 23; Choi discloses all of features of claimed invention except for the first of the first received light detection device and second output of the second received light detection device for detecting at least two different rotation positions obtained based on the output signals detected in each rotation position. However, Ishiwata teaches that it is known in the art to provide the first of the first received light detection device (5' of figure 13) and second output of the second received light detection device (5' of figure 13) for detecting at least two different rotation positions (figures 12A-12B) obtained based on the output signals detected in each rotation position. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify apparatus and method for detecting a gap of a liquid crystal panel of Choi with the first of the first received light detection device and second output of the second received light detection device for detecting at least two different rotation positions obtained based on the output signals detected in each rotation position as taught by Ishiwata for the purpose of detecting accuracy of physical amounts such distortion, edge of the step, and phase distribution of the observation object (col.21 lines 34-36).

Regarding claim 9; Choi discloses the features of claimed invention except for the angle differ from no less than 5 degrees. However, Choi teaches about different between the twisted angle is 80 or 90 degreed. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the angle differ from

no less than 5 degrees of Choi's device, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or working ranges involves only routine skill in the art. In re Aller, 105 USPQ 233.

Regarding claims 10 and 11; Choi discloses the features of claimed invention except for a half-mirror for directing reflecting the light from the light source toward the liquid crystal panel and transmitting reflected light from the liquid crystal panel and the first and second received light detection devices for detecting the gap cell based on the first and second output signals with predetermined noise light quality, quantity incident light, and transmissivity of the half mirror. However, Ishiwata teaches that it is known in the art to provide a half-mirror (12 of figure 13) for directing reflecting the light from the light source (1 of figure 13) toward the liquid crystal panel (15 of figure 13) and transmitting reflected light from the liquid crystal panel (15 of figure 14) and the first and second received light detection devices (two 25' of figure 14) for detecting the gap cell based on the first and second output signals with predetermined noise light quality, quantity incident light, and transmissivity of the half mirror (col.21 lines 15-36). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify apparatus and method for detecting a gap of a liquid crystal panel of Choi with a half-mirror for directing reflecting the light from the light source toward the liquid crystal panel and transmitting reflected light from the liquid crystal panel and the first and second received light detection devices for detecting the gap cell based on the first and second output signals with predetermined noise light quality, quantity incident

light, and transmissivity of the half mirror as taught by Ishiwata for the purpose of improving detected light signal and reducing noise signal.

Regarding claim 21; Choi teaches discloses all of features of claimed invention except for the received light quality detection use a surface-type imaging element. However, Ishiwata teaches that it is known in the art to provide the received light quality detection use a surface-type imaging element considered to be image camera (5' of figure 13). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify apparatus and method for detecting a gap of a liquid crystal panel of Choi with the received light quality detection use a surface-type imaging element as taught by Ishiwata for the purpose of forming or detecting accuracy images of sample on the camera.

Regarding claim 22; Choi teaches about the light emission apparatus 102 of figure 1) and the received light quantity detection device (112 of figure 1) has a wavelength selection function considered to be inherent in formula (col.2 lines 15-35).

Regarding claims 13 and 25; Choi discloses all of features of claimed invention as indicated in claims 4 and 19, except for a polarization beam splitter disposed so as to receive the reflected light from the liquid crystal panel and separating a light having a polarization direction almost parallel to the polarization direction of the incident light and a light having a polarization direction almost perpendicular to the polarization direction of the incident light from the reflected light. However, Ishiwata teaches that it is known in the art to provide a method and detection apparatus comprises a processing computer (6 of figure 13) coupled to a first and second camera (5' of figure 13) and the first and

second camera (5' of figure 13) coupled to a polarization beam splitter (PBS of figure 13), wherein the polarization beam splitter (PBS of figure 13) disposed so as to receive the reflected light from the liquid crystal panel (15 of figure 13) and separating a light having a polarization direction almost parallel to the polarization direction of the incident light and an another light having a polarization direction almost perpendicular to the polarization direction of the incident light from the reflected light. See figures 1, 7, and 13-14. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify apparatus and method for detecting a gap of a liquid crystal panel of Choi with a polarization beam splitter disposed so as to receive the reflected light from the liquid crystal panel and separating a light having a polarization direction almost parallel to the polarization direction of the incident light and a light having a polarization direction almost perpendicular to the polarization direction of the incident light from the reflected light as taught by Ishiwata for the purpose of detecting accuracy of physical amounts such distortion, edge of the step, and phase distribution of the observation object.

Allowable Subject Matter

Claims 26-29 are allowed.

The prior art of record, taken alone or in combination, fails discloses or render obvious apparatus for detecting a gap of a liquid crystal panel comprising all the specific elements with the specific combination including of <u>third output signal from the received</u> <u>light quantity detection device in a state at which the analyzer is disposed so that the</u> <u>transmission axis of the analyzer is located on a bisector of the direction almost parallel</u>

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to polarization direction of the incident light and the direction almost perpendicular thereto in combination with the rest of the limitation of claim 26.

Claims 3, 5-7, 12, 19, and 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art of record, taken alone or in combination, fails discloses or render obvious a method and apparatus for detecting a gap of a liquid crystal panel comprising all the specific elements with the specific combination including of <u>the gap d of the liquid crystal panel is detected by the following equations by using the detected extinction angle: $tan(2\phi app) = tan \ 2 \ (\phi app + \pi/2) = \phi [(tanX)/X], \ where \ X = sqr \ (\phi^2 + \beta^2), \ \beta = (\pi\Delta nd)/\lambda; \ \Delta n = [(ne*no)/sqr((no^2 + (ne^2-no^2).sin\theta)] - no \ in set forth limitation of claim 3.</u>$

The prior art of record, taken alone or in combination, fails discloses or render obvious a method and apparatus for detecting a gap of a liquid crystal panel comprising all the specific elements with the specific combination including of the gap d of the liquid crystal panel is detected by the following equations by using the detected the first output signal Rx and the second output signal Ry: Rx = $\cos^2\theta$ + $\cos^2\theta$ is $\sin^2\theta$ in $\sin^2\theta$ for θ in θ in set forth limitation of claim 5.

The prior art of record, taken alone or in combination, fails discloses or render obvious a method and apparatus for detecting a gap of a liquid crystal panel comprising all the specific elements with the specific combination including of third received light quantity detection device for detecting a third output signal in a state in which the transmission axis of the analyzer is located on a bisector of the direction almost parallel to the polarization direction of the incident light and the direction almost perpendicular thereto, and in the step of detecting the gap of liquid crystal panel, the gap of the liquid crystal panel is detected based on the first, second, and third output signals in set forth limitation of claim 6.

The prior art of record, taken alone or in combination, fails discloses or render obvious a method and apparatus for detecting a gap of a liquid crystal panel comprising all the specific elements with the specific combination including of the gap d of the liquid crystal panel is detected by the following equations by using the detected the first output signal Rx and the second output signal Ry, and the third output signal Rxy: $Rxy = \frac{1}{2} [1 + \sin^2(\beta eef)] \cdot \sin^2(\theta eef) \cdot \sin^2(\theta e$

The prior art of record, taken alone or in combination, fails discloses or render obvious a method and apparatus for detecting a gap of a liquid crystal panel comprising all the specific elements with the specific combination including of *the step of measuring*

a fourth signal representing the noise light quality and measuring a fifth output signal representing the noise light quality in set forth limitation of claims 12 and 24.

Response to Arguments

Applicant's arguments filed on 03/16/05 have been fully considered but they are not persuasive. Applicant's remarks, page 13-14 that Choi reference (6538754) can not serve as a prior art reference under 35 U.S.C. ξ 103 (a).

It is not persuasive because Applicant has benefit of the Japanese filing priority date of December 14, 2001 (see attached "Declaration and power of Attorney For Patent Application" has been entered on 03/25/2002). While Choi reference has the priority date of its U.S. filing date of April 12, 2001, as the result that Choi reference is considered to be a prior art reference under 35 U.S.C. ξ 103 (a) because the priority date of its U.S. filing date of April 12, 2002 of the Choi reference is flied more than eight months the priority date of its Japanese. filing date of December 14, 2002.

In view of the foregoing, it is believed that the rejection of claims 1-2, 4, 8-11, 13-18, 20-23 and 25 under 35 U.S.C 103 is proper.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kurata et al (6822737) discloses pretilt angle measuring method; Kuroiwa (6724215) discloses method of evaluating liquid crystal panel; Sokolov et al (6639674) discloses method and apparatus polarized; Kwok et al (6081337) discloses method and apparatus for measuring liquid crystal cell; Ooki et al (5764363) discloses

apparatus for observing a surface; Fukuzawa et al (5638207) flare prevention optical system; Katzir et al (5450201) discloses apparatus and method for optical inspection; Cole et al (5365067) discloses method and device for evaluation of surface; or Hopkins (5118191) discloses high contrast switchable target.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sang Nguyen whose telephone number is (571) 272-2425. The examiner can normally be reached on 9:30 am to 7:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory J. Toatley, Jr. can be reached on (571) 272-2800 ext 77. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SW

Nguyen/SN

May 28, 2005

ZANDRA V. SMITH PRIMARY EXAMINER

Gregory J. Toatley, Jr.
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Art Unit 2877